

House Bill 1255

By: Representatives Mumford of the 95<sup>th</sup>, Holt of the 112<sup>th</sup>, and Walker of the 107<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a new judicial circuit for the State of Georgia, to be known as the Walton Judicial  
2 Circuit and to be composed of Walton County; to provide for the judges and district attorneys  
3 of said new circuit and the Alcovy Judicial Circuit and their terms, selection, and  
4 compensation; to revise and restate certain provisions of law relating to the Alcovy Judicial  
5 Circuit and to enact provisions for the Walton Judicial Circuit; to amend Article 1 of Chapter  
6 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts in  
7 general, so as to provide for the composition, terms of court, and number of judges of said  
8 circuits; to provide for other related matters; to provide for an effective date and  
9 implementation; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **PART I**

12 **SECTION 1-1.**

13 Effective January 1, 2007, there is created a new judicial circuit of the superior courts of this  
14 state to be known as the Walton Judicial Circuit, which circuit shall be composed of Walton  
15 County. There shall be a district attorney and two judges of the Walton Judicial Circuit. The  
16 offices of judge and district attorney of the Walton Judicial Circuit shall be filled as follows:

17 (1) The district attorney of the Walton Judicial Circuit shall be appointed by the  
18 Governor for a term of office beginning January 1, 2007, and ending December 31, 2008,  
19 and when his or her successor is elected and qualified. A successor to such district  
20 attorney shall be elected by the voters of the Walton Judicial Circuit at the 2008 general  
21 election and quadrennially thereafter for a term of four years and until his or her  
22 successor is elected and qualified. A candidate for appointment or election to this office  
23 must be a resident of Walton County;

(2) Honorable John M. Ott, currently a judge of the Alcovy Judicial Circuit and a resident of Walton County, shall become the chief judge of the Walton Judicial Circuit. Judge Ott shall serve out the current term of office for which he was selected, and his successor shall be elected by the voters of the Walton Judicial Circuit at the 2006 general election next preceding the expiration of that term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office in 2006 or thereafter must be a resident of Walton County; and

(3) Honorable Eugene M. Benton, currently a judge of the Alcovy Judicial Circuit and a resident of Walton County, shall become the second judge of the Walton Judicial Circuit. Judge Benton shall serve out the current term of office for which he was selected, and his successor shall be elected by the voters of the Walton Judicial Circuit at the 2006 general election next preceding the expiration of that term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office in 2006 or thereafter must be a resident of Walton County.

#### **SECTION 1-2.**

All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court of Walton County at such time as it was a part of the Alcovy Judicial Circuit, including all complaints, pleadings, petitions, indictments, special presentments, summonses, processes, motions, writs, and mesne and final proceedings, together with all books and records of any kind or character belonging to or issued, returnable, filed, pending, or commenced in such county, shall relate to, become a part of, and be transferred to the Walton Judicial Circuit and its jurisdiction.

#### **SECTION 1-3.**

In addition to the compensation and expenses paid from state funds, each judge of superior court of the Walton Judicial Circuit named in Section 1-1 of this Act shall continue to receive the supplemental expense allowance that such judge was receiving immediately prior to the effective date of this Act. Such supplemental expense allowance shall be paid from the funds of Walton County. In all subsequent years, the governing authority of Walton County may increase this supplement, at its discretion, without further legislative action.

#### **SECTION 1-4.**

In addition to the compensation and expenses paid from state funds, the district attorney of the Walton Judicial Circuit shall receive a supplemental expense allowance of \$15,000.00 per annum, payable in equal monthly installments from the funds of Walton County. In all

1 subsequent years, the governing authority of Walton County may increase this supplement,  
2 at its discretion, without further legislative action.

3 **SECTION 1-5.**

4 The governing authority of Walton County shall be authorized, but not required, to authorize  
5 the employment of assistant district attorneys, deputy district attorneys, or other attorneys,  
6 investigators, paraprofessionals, clerical assistants, victim and witness assistance personnel,  
7 and other employees or independent contractors, as authorized under Code Section 15-18-20  
8 of the Official Code of Georgia Annotated.

9 **PART II**

10 **SECTION 2-1.**

11 Effective with the creation of the Walton Judicial Circuit, there shall be a district attorney  
12 and two judges of the Alcovy Judicial Circuit which shall then be composed of Newton  
13 County. The offices of the judges and district attorney of the Alcovy Judicial Circuit shall  
14 be subject to the following provisions:

15 (1) The current district attorney of the Alcovy Judicial Circuit, the Honorable W. Kendall  
16 Wynne, Jr., who is a resident of Newton County, shall remain and become the district  
17 attorney of the Alcovy Judicial Circuit. District Attorney Wynne shall serve out the  
18 current term of office to which he was elected. A successor to District Attorney Wynne  
19 shall be elected by the voters of the Alcovy Judicial Circuit at the 2006 general election,  
20 and at the general election quadrennially thereafter, for a term of four years. A candidate  
21 for appointment or election to this office in 2006 or thereafter must be a resident of  
22 Newton County;

23 (2) Honorable Samuel D. Ozburn, currently a judge of the Alcovy Judicial Circuit and  
24 a resident of Newton County, shall become the chief judge of the Alcovy Judicial Circuit.  
25 Judge Ozburn shall serve out the current term of office for which he was elected, and his  
26 successor shall be elected by the voters of the Alcovy Judicial Circuit at the 2006 general  
27 election next preceding the expiration of that term of office, and at the general election  
28 quadrennially thereafter, for a term of four years. A candidate for election to this office  
29 in 2006 or thereafter must be a resident of Newton County; and

30 (3) Honorable Horace J. Johnson, currently a judge of the Alcovy Judicial Circuit and  
31 a resident of Newton County, shall remain as a judge of the Alcovy Judicial Circuit.  
32 Judge Johnson shall serve out the current term of office for which he was selected, and  
33 his successor shall be elected by the voters of the Alcovy Judicial Circuit at the 2006

1 general election next preceding the expiration of that term of office, and at the general  
2 election quadrennially thereafter, for a term of four years. A candidate for election to this  
3 office in 2006 or thereafter must be a resident of Newton County.

#### 4 **SECTION 2-2.**

5 In addition to the compensation and expenses paid from state funds, each judge of superior  
6 court of the Alcovy Judicial Circuit named in Section 2-1 of this Act shall continue to receive  
7 the supplemental expense allowance that such judge was receiving immediately prior to the  
8 effective date of this Act. Such supplemental expense allowance shall be paid from the funds  
9 of Newton County. In all subsequent years, the governing authority of Newton County may  
10 increase this supplement, at its discretion, without further legislative action

#### 11 **SECTION 2-3.**

12 In addition to the compensation and expenses paid from state funds, the district attorney of  
13 the Alcovy Judicial Circuit shall receive a supplemental expense allowance of \$15,000.00  
14 per annum, payable in equal monthly installments from the funds of Newton County. In all  
15 subsequent years, the governing authority of Newton County may increase this supplement,  
16 at its discretion, without further legislative action.

#### 17 **SECTION 2-4.**

18 The governing authority of Newton County shall be authorized, but not required, to authorize  
19 the employment of assistant district attorneys, deputy district attorneys, or other attorneys,  
20 investigators, paraprofessionals, clerical assistants, victim and witness assistance personnel,  
21 and other employees or independent contractors, as authorized under Code Section 15-18-20  
22 of the Official Code of Georgia Annotated.

### 23 **PART III**

#### 24 **SECTION 3-1.**

25 Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to  
26 superior courts in general, is amended in Code Section 15-6-1, relating to composition of  
27 judicial circuits, by adding a new paragraph (40.2) to read as follows:

28 "(40.2) Walton Judicial Circuit, composed of the County of Walton;"

29 and by striking paragraph (2) and inserting in its place a new paragraph to read as follows:

30 "(2) Alcovy Judicial Circuit, composed of the ~~Counties~~ County of Newton ~~and Walton~~;"

**SECTION 3-2.**

Said article is further amended in Code Section 15-6-2, relating to numbers of superior court judges, by adding a new paragraph (40.2) to read as follows:

"(40.2) Walton Circuit . . . . . 2"

and by striking paragraph (2) and inserting in its place a new paragraph to read as follows:

"(2) Alcovy Circuit .....~~4~~ 2".

**SECTION 3-3.**

Said article is further amended in Code Section 15-6-3, relating to terms of court, by adding a new paragraph (40.2) to read as follows:

"(40.2) WALTON CIRCUIT:

Walton County - First and second Mondays in February, May, August, and November."

and by striking paragraph (2) and inserting in its place a new paragraph to read as follows:

"(2) ALCOVY CIRCUIT:

(A) Newton County - Second and third Mondays in January, April, July, and October.

~~(B) Walton County - First and second Mondays in February, May, August, and November."~~

**PART IV****SECTION 4-1.**

Notwithstanding the provisions of Code Section 1-3-4.1 of the Official Code of Georgia Annotated, this Act shall become effective January 1, 2007, except that the provisions of this Act authorizing the Governor to make appointments and the provisions of this Act relating to the qualification and election of candidates in 2006 shall become effective for those purposes upon the approval of this Act by the Governor or upon its becoming law without such approval.

**SECTION 4-2.**

All laws and parts of laws in conflict with this Act are repealed.